

1 KAMALA D. HARRIS
Attorney General of California
2 JAY M. GOLDMAN
Supervising Deputy Attorney General
3 MANEESH SHARMA
Deputy Attorney General
4 State Bar No. 280084
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5553
6 Fax: (415) 703-1234
E-mail: Maneesh.Sharma@doj.ca.gov
7 *Attorneys for Defendant Matthew Cate*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **PAUL HOA,**

14 Plaintiff,

15 v.

16 **MATTHEW CATE, et al.,**

17 Defendants.
18
19
20
21

C 12-2078 EMC

**STIPULATION AND [PROPOSED]
ORDER GRANTING CONTINUANCE
ON HEARING OF DEFENDANT
MATTHEW CATE'S MOTION TO
DISMISS UNDER RULE 12(B)6 AND
FOR QUALIFIED IMMUNITY**

Date: November 2, 2012
Time: 1:30 p.m.
Dept: 5
Judge: The Hon. Edward M. Chen
Trial Date: None
Action Filed: April 25, 2012

22 At the request of Plaintiff's counsel, the parties, Plaintiff Paul Hoa and Defendants
23 Matthew Cate, T. Gregory Stagnitto, Bridge Transport, Stag Leasing Inc., and David F. Lopez, by
24 and through their respective counsel, stipulate that the hearing on Defendant Matthew Cate's
25 motion to dismiss Plaintiff's claims under Federal Rule of Civil Procedure 12(b)(6) and for
26 qualified immunity, originally noticed for Friday, November 2, 2012, at 1:30 p.m., shall be
27 continued to Friday, November 9, 2012, at 1:30 p.m., or as soon thereafter as the matter may be
28 heard before the Honorable Edward M. Chen, United States District Judge, in Courtroom 5 (17th

Floor) of the above-entitled court, located at the Federal Building, 450 Golden Gate Avenue, California. Good cause exists for this request as Plaintiff's counsel is located in Southern California and to avoid to multiple appearances before this Court for two hearings that are calendared one week apart.

SO STIPULATED:

DATED: October 30, 2012

LAW OFFICE OF GENE H. SHIODA

s/ Gene H. Shioda
 GENE H. SHIODA
 JAMES A. KIM
 JASON Y. LIE
Attorneys for Plaintiff Paul Hoa

DATED: October 30, 2012

GEARY, SHEA, O'DONNELL, GRATTAN,
 AND MITCHELL

s/ John F. Geary
 JOHN F. GEARY
 ROBERT W. HENKELS
Attorneys for Defendants
David F. Lopez, T. Gregory Stagnitto,
Bridge Transport, Stag Leasing Inc.

DATED: October 30, 2012

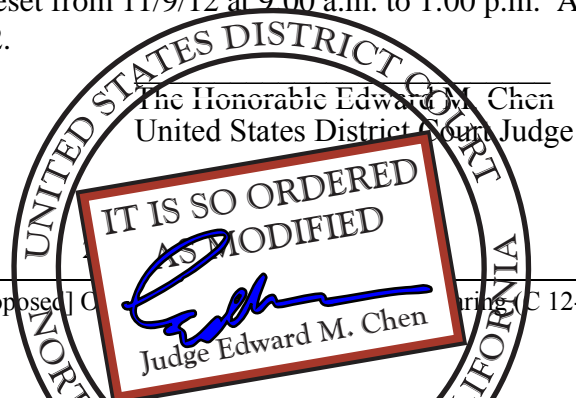
KAMALA D. HARRIS
 Attorney General of California
 JAY M. GOLDMAN
 Supervising Deputy Attorney General

s/ Maneesh Sharma
 MANEESH SHARMA
 Deputy Attorney General
Attorneys for Defendant
Matthew Cate

PURSUANT TO STIPULATION, IT IS SO ORDERED. The motion to dismiss is reset for 11/9/12 at 1:00 p.m. The CMC is also reset from 11/9/12 at 9:00 a.m. to 1:00 p.m. A joint CMC statement shall be filed by 11/2/12.

Dated: October 31, 2012

SF2012205056
 20647182.doc



CERTIFICATE OF SERVICE

Case Name: P. Hoa v. M. Cate, et al

No. C 12-2078 EMC

I hereby certify that on October 30, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER GRANTING CONTINUANCE ON
HEARING OF DEFENDANT MATTHEW CATE'S MOTION TO DISMISS
UNDER RULE 12(B)6 AND FOR QUALIFIED IMMUNITY**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 30, 2012, at San Francisco, California.

L. Santos

Declarant

/s/ L. Santos

Signature